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Hudson Specialty Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT – SAN FRANCISCO DIVISION

SCOTTSDALE INSURANCE COMPANY, a
corporation,

Plaintiff,

v.

HUDSON SPECIALTY INSURANCE
COMPANY, a corporation,

Defendant.

Case No. 3:15-cv-02896-HSG

**STIPULATION AND ORDER REVISING
THE COURT'S AMENDED
SCHEDULING ORDER**

Plaintiff Scottsdale Insurance Company ("Scottsdale") and Defendant Hudson Specialty Insurance Company ("Hudson"), referred to collectively as the "Parties", by and through their respective counsel, hereby stipulate to revise the Court's September 28, 2016 Amended Scheduling Order (Dkt. 40) as follows:

I. RECITALS

1. WHEREAS, the Parties previously agreed to hold an Early Neutral Evaluation session (the "ENE") on October 12, 2016, at 10:30 a.m., with the Evaluator appointed by the Court.

2. WHEREAS, the Parties requested that the Court enlarge the operative Scheduling Order (Dkt. 37) because, among other reasons, the initial fact discovery cutoff set by the Scheduling Order was October 5, 2016, prior to the date of the ENE.

3. WHEREAS, on September 28, 2016, the Court issued an Amended Scheduling Order (Dkt. 40), setting deadlines for fact discovery, expert discovery, and dispositive motions. The Amended Scheduling Order set November 3, 2016 as the fact discovery cutoff.

4. WHEREAS, on September 29, 2016, the Court served a Notice (Dkt. 41) withdrawing the appointment of the assigned Evaluator for medical issues and taking the ENE set for October 12, 2016 off calendar. The Notice advised that the ADR Unit would appoint another Evaluator shortly.

5. WHEREAS, the Parties agreed to submit a stipulated list of alternative ENE Evaluators to the ADR Case Administrator, and did submit such list on October 4, 2016.

6. WHEREAS, the ADR Unit has not, to date, appointed another ENE Evaluator.

7. WHEREAS, the Parties still wish for the ENE to be held prior to the fact discovery cutoff, currently set for November 3, 2016.

8. WHEREAS, the parties have exchanged and responded to written discovery and document requests to obtain necessary evidence, but wish additional time to meet and confer regarding discovery issues and an opportunity to propound additional written discovery, obtain additional documents, and/or conduct depositions following the ENE and prior to filing dispositive motions. The Parties recognize that the Court's determination of the Parties' dispositive motions could terminate this case.

9. WHEREAS, the deposition of third party Alliant Specialty Insurance Services, Inc. ("Alliant") has been noticed. Alliant is the broker through which the Parties' mutual named insured obtained insurance coverage from the Parties. The Parties are meeting and conferring

1 with Alliant and its counsel to schedule a mutually available date on which to conduct the
2 deposition. Additional time to conduct fact discovery would alleviate the currently encountered
3 difficulties of scheduling a date agreeable to all counsel and Alliant's witness(es).

4 10. WHEREAS, the Parties have mutually agreed that no experts need be retained in
5 this matter, as the dispute between the Parties is a question of law.

6 11. WHEREAS, no trial date has been set in this matter.

7 12. WHEREAS, the Parties do not seek any extension of dates currently set by the
8 Amended Scheduling Order except for the fact discovery cutoff.

9 13. WHEREAS, the parties have been working diligently toward moving this case
10 forward in an efficient, expeditious manner. The Parties wish to litigate this matter in a cost-
11 effective manner and avoid unnecessary attorneys' fees and costs.

12 14. WHEREAS, the Parties have agreed to submit this Stipulation and [Proposed]
13 Order to Revise the Court's Amended Scheduling Order.

14 15. Accordingly, the Parties hereby stipulate to revising the Court's September 28,
15 2016 Amended Scheduling Order as follows.

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II. STIPULATION

The parties hereby stipulate to the following revisions to the Court's Amended Scheduling Order:

Scheduled Event	Date
Fact Discovery Cutoff	December 2, 2016 (currently November 3, 2016)
Exchange Initial Expert Reports	November 17, 2016 (NO CHANGE)
Exchange Rebuttal Expert Reports	November 30, 2016 (NO CHANGE)
Expert Discovery Cutoff	December 14, 2016 (NO CHANGE)
Deadline to Hear Dispositive Motions	January 26, 2017 at 2:00 p.m. (NO CHANGE)

DATED: October 26, 2016

SELMAN BREITMAN LLP

By: /s/Christopher C. Ranck
CHRISTOPHER C. RANCK
JAMES R. TENERO
Attorneys For Plaintiff
Scottsdale Insurance Company

DATED: October 26, 2016

HAYES SCOTT BONINO ELLINGSON &
MCKAY

By: /s/Stephen P. Ellingson
STEPHEN P. ELLINGSON
JONATHAN K MYERS
Attorneys For Defendant
Hudson Specialty Insurance Company


~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation, the deadlines set by the Court's Amended Scheduling Order are continued as follows:

Scheduled Event	Date
Fact Discovery Cutoff	December 2, 2016
Exchange Initial Expert Reports	November 17, 2016 (NO CHANGE)
Exchange Rebuttal Expert Reports	November 30, 2016 (NO CHANGE)
Expert Discovery Cutoff	December 14, 2016 (NO CHANGE)
Deadline to Hear Dispositive Motions	January 26, 2017 at 2:00 p.m. (NO CHANGE)

IT IS SO ORDERED.

Dated: October 27, 2016

By 
HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA